

Sent via email

From: Eddie Willers
To: <ejustice@cdpr.ca.gov>
Date: Tue, May 27, 2003 7:54 AM
Subject: Fairness in the Impact of Environmental Regulations

Dear Sir or Madam:

I understand that you are soliciting input on how to "achieve fair treatment of all individuals and communities with respect to the development and enforcement of environmental laws, regulations and policies in relation to pesticide use and regulation."

As an economist, I would like to point out that any time government (whether it be local, state, or national) intervenes in the marketplace or in the use of anybody's private property, some interests are always benefited (at least temporarily) at the forced expense of the rest of society. This is so whether the government uses its legal force to take from some to give to others as in direct subsidies -- or when it imposes by the force of law a regulation, control, or tax on the business community. Government cannot give anything to anybody unless it takes it from somebody. This is because the government has not positive power to produce new wealth, but only the negative power to destroy or redistribute what others have produced.

For example, each and every time a new environmental regulation is created, it necessarily violates the rights of peaceful property owners. They can no longer use or dispose of their own property as they see fit -- even if what they do does not spill over onto anyone else's land or property rights. Instead of using tort law to restrain polluters (for example) from trespassing private property rights, bureaucratic regulations serve as a legal means for those with influence to selectively enforce the laws and regulations for their own benefit at the expense of the rest of society. Such regulations cannot be made to help everyone and hurt no one. They necessarily become tools of special interests.

Ironically, most self-styled environmentalists probably believe they are "fighting big business" by means of the so-called "environmentalist" regulation. But, the truth is the larger the business, the more able it is to absorb the additional costs imposed by such regulation, thus giving it an artificial advantage over its smaller, marginal competitors -- an edge it would not have had without the existence of the regulation or tax. So, the regulations tend to hurt the "little guys" while helping the big boys, relatively speaking.

The bottom line is that no government regulation or tax is truly "market neutral" or "socially neutral"; all political interventionism, especially including environmentalist regulations, tend to benefit a few special interests at the forced expense of other interests (the rest of society); therefore, the best (and really the only) way to make environmental laws and regulations "fair" to all peaceful players is to abolish all of them by repealing them or announcing the refusal to enforce them.

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